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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,120	09/21/2001	Robert C. Knauerhase	42390P11773	5745

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EXAMINER
DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/960,120	Knauerhase et al.
Examiner	**Art Unit**
Temica M. Davis	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Sep 21, 2001* .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-30* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities: In line 3 of claim 6 "onone" should read --on one--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 6, 9, 10, 12, 13, 17, 18, 21, 24, 25, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Averbuch et al (Averbuch), U.S. Patent No. 5,901,142.

Regarding claim 1, Averbuch discloses a method comprising: detecting data for a client, the data being detected on a server in a cellular network having one or more servers (col. 3, lines 48-52); inherently determining the client's paging address (col. 3, lines 60-65); utilizing a paging functionality to notify the client that the client has data (col. 3, lines 60-65); and in response to the client connecting to the cellular network and requesting the data, sending the data to the client (col. 6, lines 34-62).

Regarding claim 2, Averbuch discloses the method of claim 1, wherein the sending the data to the client comprises sending the data to the client using TCP/IP (Transmission Control Protocol/Internet Protocol) (col. 5, lines 19-44).

Regarding claim 6, Averbuch discloses a method comprising receiving a page from a paging functionality, the page being indicative of data arriving onone of a number of servers in a cellular network (col. 6, lines 15-33); and in response to receiving the page, connecting to the cellular network to receive the data (col. 6, lines 34-62).

Regarding claim 9, Averbuch discloses the method of claim 6, wherein the page comprises a server identification corresponding to the server (col. 6, line 63-col. 7, line 8).

Regarding claim 10, Averbuch discloses the method of claim 6, wherein the connection is made automatically (col. 6, lines 56-65).

Regarding claim 12, Averbuch discloses the method of claim 6, wherein the client comprises a mobile device (col. 3, lines 41-52).

Regarding claim 13, Averbuch discloses an apparatus comprising: a detector module to detect data arriving for a given client on a server in a cellular network having one or more servers (col. 3, lines 48-52); a lookup module to determine the given client's paging address in response to the detector module detecting data arriving on one of the servers, the determining in response to the detector module detecting data (col. 3, lines 60-65); and a callout module to utilize. a paging functionality to notify the client that the client has data, the notifying in response to the

lookup module determining the client's paging address (col. 3, lines 60-65 and col. 6, lines 34-62).

Regarding claim 17, Averbuch discloses an apparatus comprising: means for detecting data arriving for a given client on a server in a cellular network having one or more servers (col. 3, lines 48-52); means for determining the given client's paging address in response to the detector module detecting data arriving on one of the servers, the determining in response to the detector module detecting data (col. 3, lines 60-65); and means for utilizing a paging functionality to notify the client that the client has data, the notifying in response to the lookup module determining the client's paging address (col. 3, lines 60-65 and col. 6, lines 34-62).

Regarding claim 18, Averbuch discloses the apparatus of claim 17, wherein the client comprises a mobile device (col. 3, lines 41-52).

Regarding claim 21, Averbuch discloses a system comprising at least one server, the server to: receive data for one or more clients in a cellular network (col. 5, lines 18-27); send the data to a given one of the clients in response to the given client connecting to the network and requesting the data (col. 6, lines 34-62); and an interceptor in communication with the at least one server, the interceptor to: detect that one of the at least one servers has received data for a given client (col. 3, lines 48-52); determine the given client's paging address (col. 3, lines 60-65); and utilize a paging functionality to notify the given client that the given client has data; and the paging functionality in communication with the interceptor to notify the given client that the given client has data (col. 3, lines 60-65 and col. 6, lines 34-62).

Regarding claim 24, Averbuch discloses inherently a machine-readable medium having stored thereon data representing sequences of instructions, the sequences of instructions which, when executed by a processor, cause the processor to perform the following: detect data for a client, the data being detected on a server in a cellular network having one or more servers (col. 3, lines 48-52): determine the client's paging address (col. 3, lines 60-65); utilize a paging functionality to notify the client that the client has data (col. 3, lines 60-65); and in response to the client connecting to the cellular network and requesting the data, send the data to the client (6, lines 34-62).

Regarding claim 25, Averbuch discloses the method of claim 24, wherein the sending the data to the client comprises sending the data to the client using TCP/IP (Transmission Control Protocol/Internet Protocol) (col. 5, lines 19-44).

Regarding claim 28, Averbuch discloses an apparatus comprising inherently at least one processor; and a machine-readable medium having instructions encoded thereon, which when executed by the processor, are capable of directing the processor to: detect data for a client, the data being detected on a server in a cellular network having one or more servers (col. 3, lines 48-52); determine the client's paging address (col. 3, lines 60-65); utilize a paging functionality to notify the client that the client has data (col. 3, lines 60-65); and in response to the client connecting to the cellular network and requesting the data, send the data to the client (col. 6, lines 34-62).

Regarding claim 29, Averbuch discloses the method of claim 28, wherein the sending the data to the client comprises sending the data to the client using TCP/IP (Transmission Control Protocol/Internet Protocol) (col. 5, lines 19-44).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3-5, 7, 8, 11, 14-16, 19, 20, 22, 23, 26, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch in view of Johansson, WO 01/28168.

Regarding claim 3, Averbuch discloses the method of claim 1 as described above. Averbuch, however, fails to specifically disclose wherein the cellular based network comprises GPRS (General Packet Radio System).

In a similar field of endeavor, Johansson discloses the transfer of packet data from a network server to a mobile station over a digital radio communication network.

Johansson further discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 4, the combination of Averbuch and Johansson discloses the method of claim 3, wherein the paging functionality comprises a cellular based paging functionality (Averbuch, figure 1).

Regarding claim 5, the combination of Averbuch and Johansson discloses the method of claim 4, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 7, Averbuch discloses the method of claim 6 as described above. Averbuch, however, fails to specifically disclose wherein the cellular based network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 8, the combination of Averbuch and Johansson discloses the method of claim 7, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 11, Averbuch discloses the method of claim 6 as described above. Averbuch, however, fails to disclose, wherein the connection is made manually by a user on the client.

Johansson discloses such a technique when used with information transmitted via SMS (page 17, lines 6-8).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson to provide a more flexible system which allows user interaction.

Regarding claim 14, Averbuch discloses the method of claim 13 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 15, the combination of Averbuch and Johansson discloses the method of claim 14, wherein the paging functionality comprises a cellular based paging functionality (Averbuch, figure 1).

Regarding claim 16, the combination of Averbuch and Johansson discloses the method of claim 15, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 19, Averbuch discloses the method of claim 17 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 20, the combination of Averbuch and Johansson discloses the method of claim 19, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 22, Averbuch discloses the method of claim 21 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 23, the combination of Averbuch and Johansson discloses the method of claim 22, wherein the paging functionality comprises a cellular based paging functionality (Averbuch, figure 1).

Regarding claim 26, Averbuch discloses the method of claim 24 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 27, the combination of Averbuch and Johansson discloses the method of claim 26, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 30, Averbuch discloses the method of claim 28 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at (703) 306-0377.

Any response to this communication should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

Or faxed to:

(703) 872-9314 (for any communications intended for entry).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TMD

July 29, 2003

TEMICA M. DAVIS
PATENT EXAMINER